



## State of Utah

### Department of Natural Resources

MICHAEL R. STYLER  
*Executive Director*

### Division of Oil, Gas & Mining

JOHN R. BAZA  
*Division Director*

JON M. HUNTSMAN, JR.  
*Governor*

GARY R. HERBERT  
*Lieutenant Governor*

September 8, 2006

Certified Return Receipt  
7004 2510 0004 1824 3960

Tracy Burnham  
Decorative Landscaping  
3231 North Millcreek Road  
Pleasant Grove, Utah 84062

Subject: Revised Notice of Intention to Commence Small Mining Operations and Variance Request, Decorative Landscaping, T & M Holdings Mine, M0350023, Task 1529, Salt Lake County, Utah

Dear Mr. Burnham:

The Division of Oil, Gas and Mining has reviewed your revised Notice of Intention to Commence Small Mining Operations wherein you propose to open a new four-acre area for quarrying operations. This would be done under a variance from rule R647-3-109.14 which says:

Where reseeding has occurred and the vegetation has survived one growing season, the reseeded area shall not be included for purposes of determining whether a mining operation is a small mining operation.

(The rule citation in the notice is not correct; it should be that shown above.)

The area where you have been mining for about the last year has not survived one growing season, and this is the reason for needing the variance. The Division approved a similar variance for an area mined in 2005.

Please provide information about the existing quarry. Has it been regraded, seeded, and irrigated? If it has been seeded, was it seeded with an interim seed mix, i.e. barley, or a permanent mix? Also as part of the justification, please provide a description of success or failure of the area that was reclaimed in 2005.

The Division is willing to approve this request with the condition that before beginning mining operations in the new area, you must submit a Notice of Intention to Commence Large Mining Operations (LMO) that includes those areas disturbed in 2005 and 2006 together with the new areas where you intend to mine. The notice must be complete to the point that it addresses applicable requirements of

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the R647 rules. The Division expects that some technical issues will need to be resolved after the LMO is submitted.

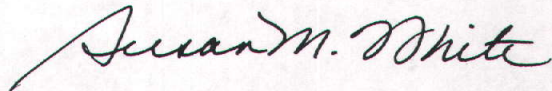
Please submit the amendment to the small mine application either with replacement pages or so it can completely replace the existing notice of intention. It is important that the Division maintain one complete copy of the notice. Those portions of the notice that appear to have changed are the new e mail address, the legal description, and the maps. Maps from the existing notice will need to be carried forward to the new notice.

The notice needs to contain an operations map at a scale of about 1"=200'. The map should include a scale and needs to show the locations of topsoil and overburden stockpiles, and existing disturbances, such as previously mined areas, roads.

Please advise the Division of the status of submitting an LMO for the area disturbed by Bluffdale Sand and Gravel. This site is the subject of an unresolved cessation order, and it needs to be reclaimed or permitted. In our meeting with you and Dave Millheim in May of this year, Mr. Millheim said he did not want Bluffdale Sand and Gravel operating on his property or submitting an LMO. This puts the Division in an awkward position with the current land owner not wanting the entity responsible for the disturbance to resolve the problem. The Division understood that Decorative Landscaping would be submitting an LMO that would include those areas disturbed by Bluffdale Sand and Gravel. We have been waiting since our meeting in May for some progress toward this end, and we would very much like to have this issue resolved.

Questions concerning this letter can be directed to Paul Baker at 801-538-5261. Thank you for your cooperation.

Sincerely,



Susan M. White  
Mining Program Coordinator  
Minerals Regulatory Program